

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CHARLES P. PRIDE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:11cv22HSO-JMR

FEMA, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the Report and Recommendation [3-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on February 8, 2011. The Magistrate Judge reviewed the pleadings on file and determined that based on the record, Plaintiff's Motion to proceed *in forma pauperis*, [2-1] should be denied. To date, Plaintiff has filed no objections to the Report and Recommendation. The record also reflects that Plaintiff tendered the requisite filing fee to the Clerk of Court on March 11, 2011. After thoroughly reviewing the findings in the Report and Recommendation, the record and pleadings on file, and the relevant legal authorities, the Court finds that the Report and Recommendation should be adopted as the finding of the Court for the reasons that follow.

I. DISCUSSION

Title 28, United States Code, Section 1915(a) provides in part:

Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefore. Such affidavit shall state the nature of

the action, defense or appeal and affiant's belief that he is entitled to redress.

“A grant of leave to proceed *in forma pauperis* is made by considering only a petitioner's economic status.” *Cay v. Estelle*, 789 F.2d 318, 322 (5th Cir. 1986), *overruled in part by Booker v. Koonce*, 2 F.3d 114, 116 (5th Cir. 1993); *see also Eason v. Holt*, 73 F.3d 600, 602 (5th Cir. 1993). The district court has wide discretion in denying an application to proceed *in forma pauperis*. However, in denying applications, a court must not act arbitrarily and it may not deny the application on erroneous grounds. *Hogan v. Midland County Comm.’s*, 680 F.2d 1101, 1103 (5th Cir. 1982).

In the application before the Court, Plaintiff has failed to present evidence tending to show the inability to pay the costs of proceeding with this action, and he has in fact now tendered the filing fee. Therefore, the Court finds that the Report and Recommendation of Chief Magistrate Judge John M. Roper entered on February 8, 2011 [3-1], should be adopted as the finding of this Court.

II. CONCLUSION

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation of Chief Magistrate Judge John M. Roper entered on February 8, 2011, [3-1] should be and is hereby adopted as the finding of this Court.

IT IS, FURTHER ORDERED AND ADJUDGED that, Plaintiff’s Motion to proceed *in forma pauperis* filed January 8, 2011, [2-1] should be and is hereby **DENIED**.

SO ORDERED AND ADJUDGED, this the 13th day of June, 2011.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE